

Halifax Township
Board of Supervisors
Monthly Business Meeting
March 8, 2010

Call to Order: Chairman Bechtel called the meeting to order at 7:00 PM.

Roll Call: Supervisors Ken Bechtel, Linda Stopfel, Carol Eppley, Gary Shultz and Ken Hoover were present. K&W Engineer Justin Kuhn, Solicitor Bruce Warshawsky, Roadmaster Dale Shoop and Secretary Shanemarie Ferguson were also present.

Chairman Bechtel announced that the board held an executive session earlier in the evening from 6:25 PM to 6:50 PM to discuss pending litigation. He also noted that it was presided over by Vice Chairman Gary Shultz as Chairman Bechtel had recused himself from participating in the related discussions and/or actions to be taken.

Carolyn Nye indicated that she was recording the meeting.

Public Comment Period:

- A. Corinne Gelnett:** Suggested that in lieu of planting the Sycamore Trees to honor Veterans, the board should give consideration to making hospital visits or to providing a monetary donation towards the specific needs of Veterans (i.e. health care and housing), stating that the planting of trees will not help their situation. Furthermore, she objected to spending township funds on the Sycamore Tree planting project in the name of honoring our veterans.
- B. Mark & Wendy Reed:** Mr. Reed indicated that he had not intended to comment.
- C. Eileen Snyder:** Indicated that she is not in favor of the Sycamore tree planting project. Specifically, she noted the following reasons for her opposition: (1) she doesn't believe it's economically sound to invest township resources, whether monetary or in-kind, to remove and replace healthy mature trees with saplings, (2) she stated that per discussions with a planting specialist, it is not ecologically sound to have a single species of trees, noting that if the mature trees were to become diseased, the saplings would likely succumb to the disease as well, resulting in a loss of all the trees and (3) she suggested that the additional trees will pose an even greater safety hazard to those that travel along the path of the Sycamore trees, noting the difficulty in seeing around the trees when entering/exiting the roadway. Furthermore, Ms. Snyder noted that in the prior meeting three township residents expressed concerns over safety issues on township roads; she then suggested that this would create an additional safety concern. She then indicated that it was the Board's primary responsibility to preserve the welfare of its residents and as such should not subject its residents to further safety hazards on township roads as she believes the tree planting would do. Finally, in light of the number of non-residents who expressed public support for the tree planting at last month's meeting, Ms. Snyder stated that public comment should be limited to township residents, noting that the Board's decisions affect only those that reside in the township, and as a result she feels that the opinions of outsiders should not be entertained by the Board.
- D. Bonnie Freeman:** Presented two donations from the Friends of Ft. Halifax to the Board. She indicated that the first donation in the amount of \$231.91 was to reimburse the Township for the recent purchase of the park rules and regulations signage and the second donation in the amount of \$250 was to go towards the acquisition of the park. Bonnie then took the opportunity to address comments made in opposition to the tree planting stating that the tree planting that is to be done with grant money and at no expense to the Township does not preclude one from visiting with veterans as one event is not exclusive of the other. In addition, she expressed her own familiarity

with the plight and sentiments of Veterans, noting that her nephew, Linda Stopfel's son, was deployed five times to serve in Iraq and Afghanistan. Also, she noted that Mr. Poffenberger, who spoke at the last meeting, was a Veteran himself and was in full support of this project in order to honor all who have served. Finally, she indicated that even she, who sees the beauty in a Pin Oak tree, supports their removal because of the symbolism of support that the unified sycamore trees will provide to our veterans.

- E. Loretta Prouse:** thanked the Board for their donation to Upper Dauphin Human Services Center. She then noted that UDHSC provided assistance to 99 Halifax residents during the months of December through February. In addition, she noted that 27 residents were provided emergency assistance and 5 utilized UDHSC's information and referral services. She indicated that she was not certain what percentage of these individuals were from the Township but she noted that if one were to assume an approximate cost of \$25 to assist each individual, the \$250 donation made by the Township would lend itself to assisting only 10 individuals. Loretta then noted the need to clarify that the Northern Dauphin Human Services food bank is not available to Halifax residents since the United Methodist Church in Halifax has a food bank. However, she indicated that UDHSC would not turn Halifax residents away. Finally, she noted that a mass mailing indicating the services that UDHSC provides would be going out at the end of the month and she noted the following upcoming UDHSC fundraisers:
- a. April 24, 2010 – WalMart bake sale
 - b. April 27, 2010 – Hoss's Community Night (10% of proceeds to go to UDHSC)
 - c. July 16, 2010 – 4th Annual Golf Tournament at Lykens Valley Golf Course
- F. Mark Hipp:** Attorney for Accu-Mold deferred to comment until later as scheduled on the agenda
- G. Flo Mallonee:** Declined to comment
- H. Melinda Warfel:** Provided a summary of the 02/28/10 Fire Company Audit as she served as the Township's sole representative. Melinda indicated that the scope of the audit was rather limited in nature, noting that she was only required to verify that the monies that were collected through out the prior year were accounted for. In addition, she noted that the fire tax payments that she submits to the Township for distribution to the Fire Company were not being forwarded in a timely fashion through out the year. As a result, she recommended that the Fire Company initiate correspondence with the municipalities that it represents and/or their tax collectors to both prompt payment and to verify the amount of monies due them. Finally, Melinda indicated the need for the Township to revisit the Fire Company Agreement, to provide greater clarification with respect to how the monies are to be spent so that both the interests of the Township and the Fire Company are better preserved. Chairman Bechtel then indicated that he has a few concerns with the language of the contract and was in favor of revisiting it to ensure a better understanding by both parties. Solicitor Warshawsky then recommended that the Township and the Fire Company appoint individuals to serve on a committee to review the agreement. Gary Shultz recommended that Melinda Warfel serve as one of the Township's representatives on the committee and indicated that he would be willing to participate as well. Chairman Bechtel then indicated that he too would participate. Charlie Bisking then asked the Board to note their concerns and present them to the Fire Company in advance of the meeting so that they could be prepared to address them, to which the board agreed.
- I. Keith Buffington:** Representative from Accu-Mold deferred to comment until later as scheduled on the agenda.
- J. George Kotkiewicz:** Indicated that he had provided a cost estimate to the Township to provide the sycamore trees for the tree planting project. In addition, he indicated that he is a veteran and finds the sycamore trees to be of great aesthetic value to Halifax and as such is in support of the tree planting project. Chairman Bechtel then indicated that there were concerns surrounding the removal of the pin oak trees in order to accommodate all of the sycamore trees to be planted. Linda Stopfel then noted that the pin oaks were planted in the 1950's following the widening of the road and the removal of the original sycamore trees. Moreover, she indicated that the pin oaks have no historical value, unlike the sycamore trees, which she stated were planted at the directive of President Harding in honor of WWI veterans. Chairman Bechtel then noted that the report from the National Historic Register, makes no mention of any proclamation or mandate from President Harding, but rather, suggests that they were planted in 1922 as part of a beautification project mandated by the State Highway and Forest Department. George then noted that he would be

happy to help in donating half of the value of the trees if so desired. Chairman Bechtel thanked him for his contribution and noted that his only objection with the planting of the sycamore trees is with respect to their placement, stating that they should not be placed in the state's right-of-way.

- K. Donna Rode:** Noted extreme dissatisfaction with the following as it pertains to the terms and performance of Dave Hoover, Township Treasurer: (1) the 17-18% increase in his compensation, without any apparent added responsibilities, (2) unacceptable bookkeeping practices for which she claimed resulted in the resignation of past Township auditors', (3) the inability of the Board to meet with Dave during tax season, and (4) Dave's failure to attend and/or notify the Township that he was not planning to attend the Fire Company Audit as stipulated per the provisions of the Fire Company agreement. In addition, Donna stated that the Board should seek reimbursement from Dave for his bonding in light of the motion made at the January 11, 2010 BOS meeting to have him provide for his own bonding. Finally, Donna indicated that she wanted the Board to respond to these items under the discussion of the Treasurer's bonding as listed later on the agenda, stating that there is a dereliction of duty that must be addressed.

SECRETARY REPORT

Gary Shultz motioned to accept the February 8, 2010 minutes as presented with the correction of the spelling of Rich Frantz's name under Public Comment Period. Ken Hoover seconded the motion and the motion carried 5:0.

TREASURER REPORT

Bills – Paid Interim Bills & Unpaid Current Bills:

Carol Eppley motioned to approve the interim bills as presented. Ken Hoover seconded the motion and the motion carried 5:0.

With respect to the unpaid bills presented for approval, Ken Hoover inquired of the on-line back up fee payable to Enders Technology. Secretary Ferguson indicated that it was an annual fee for on-line back up of the Township's PC, as discussed last meeting. Ken Hoover then motioned to approve paying the unpaid bills as presented. Carol Eppley seconded the motion and the motion carried 5:0.

Financial Report: Chairman Bechtel noted that the February 2010 financial reports had been presented for review.

PLANNING COMMISSION REPORT (Presented by Fred Ford)

Fred Ford noted that while the Planning Commission's monthly meeting was held last Monday, there was no business to conduct.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Bruce Warshawsky noted his submission of his monthly report dated March 5, 2010, for review by the Board. In addition, Solicitor Warshawsky noted that the Casner property, for which the Township has a lien against, will be listed for upset sale April 13, 2010. He then indicated that if sold, the first \$7000 would go towards back taxes and a minimum purchase price of \$10,000 would be required for the Township to be paid in full. Discussion then ensued as to how to protect the interests of the Township, including purchasing the property for resale. In light of the additional costs that would be required of the Township to make the property potentially suitable for resale, the board indicated that it was their preference to do nothing until the property is purchased by a third party at which time the Township would move immediately to issue a nuisance letter to the new owner seeking resolution of the outstanding property issues.

Solicitor Warshawsky then noted that Accu-Mold representatives and its legal representation, Mark Hipp were present to address and/or resolve the outstanding items as listed on K&W's memorandum dated

March 4, 2010. Discussion ensued with respect to the status of Accu-Mold's As-Built Plan to date. Ken Hoover then motioned to approve the following SALDO modification waivers:

1. Utility Easements (Sections 405.2.a and 503.1)
2. Storm Water Management Plan and Calculations (Section 507)
3. Boundary survey and survey accuracy (Sections 405.1(a)(7) and 407.1.a(2))

Carol Eppley seconded the motion and the motion carried 5:0. Gary Shultz then motioned to grant conditional approval to the Accu-Mold Plan contingent upon completion of Site Plan Comment 1 and General Comments 5-8 on the K&W memorandum dated March 4, 2010 (see attached). Ken Hoover seconded the motion and the motion carried 5.0.

ENGINEER REPORT (Presented by Justin Kuhn – see attached)

Justin Kuhn of K&W Engineers reviewed the services provided to the Township for the period: 1/30/10-2/26/10 as contained in the Engineer's Report dated March 8, 2010. He then noted that K&W was seeking direction from the board with respect to whether or not it desired to retain its stand-alone Floodplain Ordinance or to incorporate one into the Township's SALDO. Furthermore, he indicated that if it were to be incorporated into the SALDO, it would be subject to review by the Tri County Planning Commission. Otherwise, the stand-alone ordinance would be subject to review by Dauphin County Conservation District. Solicitor Warshawsky then noted that while it was a matter of personal preference, he felt it made more sense to incorporate the Floodplain Ordinance's provisions into the SALDO under which it could be regulated. Chairman Bechtel then noted that Tom Wilson of K&W had also recommended that it be incorporated into the SALDO. Carol Eppley then motioned to incorporate the Floodplain Ordinance into the Township's SALDO. Gary Shultz seconded the motion and the motion carried 5:0.

ROADMASTER REPORT (Presented by Dale Shoop)

Dale Shoop indicated that he had received an estimate from Walsh Contracting in the amount of \$1385 to perform the repairs on the well-house at the Park to include replacing block, framing and the roof as well as installing a new locking door. Chairman Bechtel noted the need for the board to move swiftly in light of the safety hazard that it poses and the increase in foot traffic that the upcoming Spring Festival at the Park will bring to that area. Linda Stopfel motioned to approve the expenditure and Carol Eppley seconded her motion. Gary Shultz then asked Dale to indicate if he felt that the work to be performed would suffice in terms of addressing the freezing of the well pipes. Dale stated that he felt it would, in light of the well house window being removed and replaced with block, and the addition of insulation around the well pipes. The motion then carried 5:0.

Dale indicated that Helen Snyder had contacted him regarding the Dusk to Dawn light at the Park, asking if it could be removed, since it was of no benefit to Mr. Yeager, who is being billed for it. Dale then asked if the fee could be transferred to the Township. Linda Stopfel noted that it could. Discussion ensued as to whether or not it made better economic sense to retain this particular light and pay a fee of approximately \$20/month to PPL for its use, or to have it removed and install a new light that would be owned by the Township and for which the charge to the Township would be based on use. Discussion ensued. Linda Stopfel then motioned to have the associated PPL account put into the Township's name for payment by the Township until the electric service at the Park had been completed and the light could be replaced. Carol Eppley seconded the motion and the motion carried 5:0 with Gary Shultz opposing.

Dale stated that he had received a nuisance complaint regarding a garage owned by Dave Bitting on Maple Street that is filled with garbage and appears to be a haven for stray cats. Furthermore, he indicated that the owner of Sorrento's is complaining that an offensive odor is coming from the property and that the stray cats are defecating in his parking lot. Solicitor Warshawsky noted that pursuant to the 1985 Nuisance Ordinance the accumulation of garbage was sufficient to proceed with a nuisance letter. He then asked Dale to provide him with the related information so that he could generate the letter. No action was taken.

Dale inquired as to whether or not the board wanted to have their annual Spring Clean-Up this year and whether or not they wanted to continue to accept tires in light of the cost to the township. Discussion ensued. Linda Stopfel then motioned to have the Spring Clean-Up, without the collection of tires. Carol Eppley seconded the motion. Discussion then ensued as to possible alternatives for tire collection that would not create a logistical and/or financial burden to the Township. The original vote to exclude the collection of tires then failed to carry 1:4. Carol Eppley then motioned to schedule the annual Spring Clean-Up for May 14th and 15th. Linda Stopfel seconded the motion and the motion carried 5:0. Chairman Bechtel then asked Dale to look into an alternative tire collection arrangement as discussed.

Finally, Dale indicated that the Fire Company would like to install piping that would connect into a PennDOT pipe. However, he noted that the permit application would have to be submitted in the Township's name, which he stated Tom Wilson of K&W advised against. Justin Kuhn then clarified that the installation of any new longitudinal or cross pipes within PennDOT's right-of-way or any that would connect to an existing PennDOT pipe would require the permit to be in the Township's name. Of concern, he noted, is that once the permit is approved, the connecting pipes would become the responsibility of the Township to maintain. Chairman Bechtel then indicated that Tom Wilson had suggested that perhaps the Fire Company could enter into an ownership and maintenance agreement with the Township for these pipes. However, Dale noted that such an agreement would not legally suffice to defer liability to the Fire Company since the permit would have been granted to the Township. Dale then indicated the need to have further discussions with Tom Wilson on the issue.

SEO REPORT

Chairman Bechtel noted that the November 2009 – February 2010 SEO Reports had been submitted for review. No action was required.

ADMINISTRATIVE

- A. Declaration of Emergency Disaster:** Chairman Bechtel noted that EMC Charlie Bisking had asked the board to have available a pre-signed Declaration of Emergency Disaster form on hand. Charlie Bisking then indicated that it would allow for a more timely submission of the required paperwork in the event of a disaster. Moreover, he noted that a verbal approval from the board would be secured before submitting it, to which the board agreed. Solicitor Warshawsky then informed the board that following any verbal authorization of submission, the board would be required to ratify their action at the next public meeting to remedy any Sunshine Law issues.
- B. HARA Distribution:** Chairman Bechtel noted that per the HARA agreement, distributions are to be made in full by the first of April. In addition, he noted that the amount of the recreational contribution to be distributed to HARA by April 1st, as budgeted is \$37,620.
- C. Letter of Collateralization:** Chairman Bechtel noted his concern over having funds at Susquehanna Bank in excess of the \$250K insured by the FDIC. Moreover, he noted that PSATs recommended securing a letter of collateralization from the bank under such circumstances. Solicitor Warshawsky then stated that the safest thing would be to keep less than the federally insured amount in any bank if possible, but indicated that he would offer his opinion of worth on the letter of collateralization if desired. The board then agreed to have Chairman Bechtel obtain a letter of collateralization from the bank and then forward it to Solicitor Warshawsky to determine its worth.
- D. Susquehanna Bank's Billboard:** In light of last meeting's discussion, Chairman Bechtel indicated that he had spoken with a representative from Susquehanna Bank and had informed them of the hazard associated with the intensity of their bank sign and requested that it be toned down.
- E. Press Release related to 2010 Census:** Chairman Bechtel asked the board to give consideration to submitting a press release in the *Sentinel* indicating the Township's support of resident participation in the 2010 census in light of the fact that the degree of participation can have an impact on representation and funding to the Township, to which they agreed. In addition, he asked Secretary Ferguson to post a notice on the bulletin board encouraging participation.

F. Grant Procedure: Chairman Bechtel indicated the need to establish an informal grant procedure that would serve to notify the board of the grants being given consideration to prior to any actions being taken to secure such grants. He then noted that within the recent job description for the Secretary, under the grant writing responsibilities, the Secretary is to inform on a step-by-step basis all grant-writing activities, to which he believes should extend to anyone undertaking grant-writing activities. Linda Stopfel then noted that she had volunteered her personal time over the past seven years to secure grant monies totaling nearly \$1 million for the Township. She also indicated that she was surprised that the recent tree grant was made subject to board approval. With respect to providing advanced notification on grants that she is hoping to secure, Linda indicated that there are a lot of unknowns that makes informing the Board difficult. Moreover, she indicated that she was not eager to put forth the information as she suggested that a prior heritage grant in the amount of \$250K that was to be used to pay off the Park was lost due to the undermining efforts of certain Township residents. Flo Mallonee then indicated that it was her understanding that the funding was lost due to concerns that the money was coming from Senator Fumo who was under investigation at the time. Linda responded, stating that the loss of the funding was a result of an article written by Ford Turner who quoted certain citizens who were not in support of the Park. Linda did note that she was currently looking into a sizeable grant for park development from DCNR that would require matching funds, but indicated that she was also looking into alternative sources to provide these matching funds so that there would be no cost to the Township. Gary Shultz then noted his appreciation of her efforts and success in securing money for the Township but reiterated the need for her to be forthcoming with potential grants in light of the fact that the Township could find itself in the position of having to put forth matching funds in the event that such funding could not be secured through alternative sources. Moreover, he suggested that by providing information through out the process of securing a grant, greater buy-in and support for the grant could potentially be achieved. Linda then asked if it was the Board's desire to have her move forward with this park development grant or any others. Chairman Bechtel indicated that he was not comfortable with the idea of approving any grant-writing initiatives until after the Master Site Plan had been completed and the Board was aware of the intended development of the Park, especially in light of the matching funds requirement. Linda then stated that any such grant writing initiatives would require an approved Master Site Plan first and that she is hoping that the timing of the grant, which has a September 1st deadline, will correspond with the completion of the Master Site Plan so that she is able to apply for it, given Board support.

G. Treasurer's Bonding: Todd Etzweiler noted that the Board had made a motion to have Dave Hoover pay for his own bonding for 2010 at the January 11, 2010 BOS meeting. In addition, he noted that while the bond had already been paid by the Township through August of 2010 prior to this motion being made, it was his opinion that the Board should seek reimbursement from Dave for a pro-rata share of the policy's premium for the period January–August of 2010. In addition, he indicated that he felt that Dave Hoover was failing to comply with the requirements of the Treasurer's position, noting that Dave did not attend the fire audit even though he had been informed of the requirement to attend via email. Finally, Todd suggested that Dave was unwilling to make himself available to the Board to discuss his compensation until after tax season was over for which he felt was unacceptable. Linda Stopfel then indicated, per a review of the minutes, that it was her understanding that the motion to retain Dave for the duration of 2010 for \$1000 per month was implicitly inclusive of all prior terms, including the payment of his bonding by the Township. Chairman Bechtel indicated that the motion was limited to its explicit expression of compensation and term duration and was not intended to modify the prior motion made requiring Dave to provide for his own bonding, as evidenced by his following comment at the February 8, 2010 BOS meeting, which preceded the motion under question:

Linda Stopfel then motioned to retain Dave Hoover to serve as township Treasurer for the duration of 2010 for his stated fee of \$1,000 per month, noting that it would provide enough time to meet with Dave and to advertise for the position next year if necessary. *Chairman Bechtel indicated that he was partially in favor of an extension in light of the prior motion made to have Dave pay for his own bonding this year and the*

difficulty associated with having to address it now. Finally, Chairman Bechtel indicated the need to readdress this issue prior to preparation of the 2011 budget. Carol Eppley then seconded the motion to retain Dave Hoover for the duration of the year and the motion carried 4:1 with Chairman Bechtel being opposed.

Solicitor Warshawsky then indicated that in his summary opinion of the minutes, the only item under question or needing clarification is the period of reimbursement as no discussion had been given to an effective date, but noted a reasonable assumption could be made that it would have been effective the date of the initial motion which was January 11, 2010. Chairman Bechtel then indicated that he had directed Secretary Ferguson to generate a letter to be sent to Dave Hoover regarding the decision made by the Board to have him provide for his own bonding, which included a request for reimbursement for the period of January-August 2010. He then noted when Secretary Ferguson routed the letter to the Board members for approval a majority had indicated that they did not want her to send the letter as they were not aware that the bond had already been paid through August 2010. Gary Shultz then indicated that some of the hesitancy surrounding forwarding the correspondence stemmed from the fact that no one on the Board had met with Dave to personally discuss these issues, which he felt was only proper out of respect for Dave. Moreover, he indicated that since Dave had yet to be officially informed of this decision, he felt it would be highly inappropriate to seek reimbursement for prior months and recommended revising the letter so that the reimbursement period is from this date forward. Linda Stopfel then indicated the need to have either the Chairman or Vice Chairman meet face to face with Dave first to discuss this and then follow up with an official letter, to which Gary Shultz agreed he would do. Solicitor Warshawsky also recommended that the Board draw up a written agreement outlining the terms of engagement for the Treasurer's position to which the Board agreed. Gary Shultz then motioned to correspond both personally and in writing with Dave Hoover regarding both his need to provide for his own bonding from this point forward as well as his need to reimburse the Township for a portion of the premium already paid to cover the period March 8, 2010 - August 1, 2010. Carol Eppley seconded the motion. Linda Stopfel then indicated that she was embarrassed by the way this issue has been handled and indicated that the Board should be prepared for Dave Hoover's resignation. The vote then carried 4:1 with Linda abstaining from the vote.

OLD BUSINESS

- A. Mountain Road Vehicle Size Ordinance:** Solicitor Warshawsky noted that at the last meeting the Board authorized the advertisement of the proposed amendments to the Mountain Road Vehicle Size Ordinance. Moreover, he noted that the proposed amended Ordinance had in fact been properly advertised, as confirmed by Secretary Ferguson, and was ready for its adoption to be voted upon by the Board. Linda Stopfel motioned to adopt the Mountain Road Vehicle Size Ordinance as amended. Carol Eppley seconded the motion and the motion carried 3:2 with Chairman Bechtel and Ken Hoover opposing. Solicitor Warshawsky then noted that the Ordinance should be designated as 2010-1 and incorporated into the official ordinance book.
- B. Planning Commission Appointments:** Chairman Bechtel indicated that to date the Township had received 2 applications for the Planning Commission vacancies, one being from Mark Reed, and the other being from Randy Paul. Carol Eppley then motioned to appoint Mark Reed and Randy Paul to the Planning Commission. Linda Stopfel then asked if the fact that Randy Paul had his own engineering firm posed a conflict of interest. Solicitor Warshawsky noted that he would not be allowed to submit plans on behalf of any Township applicant without first recusing himself from participating in the discussions surrounding that particular project. The motion then carried 5:0. Solicitor Warshawsky then noted the need to realign the Planning Commission terms so that each term expires at the end of the respective calendar year. For the terms that were to expire in the month of April, Carol Eppley motioned to have those terms expire December 31st of the preceding year. Linda Stopfel seconded the motion with the terms to expire as follows:

Bob Artman
Fred Ford

December 31, 2010
December 31, 2011

Vacancy Term	December 31, 2011
Mark Reed	December 31, 2012
Randy Paul	December 31, 2012

The motion then carried 5:0.

C. Treasurer's Bonding – Todd Etzweiler:

- D. Tractor Trailer Traffic – PMR/225:** In light of the safety concerns expressed last meeting over tractor trailers traveling over Peters Mountain Road, Linda Stopfel recommended that the Township send a letter to state police Sgt Amarillo regarding such concerns. In addition, she recommended that a letter be sent to Representative Sue Helm and to Senator Piccola who has been in discussion with PennDOT on this issue, in order to reinforce these efforts. Township resident Corinne Gelnert indicated that GPS services often routes traffic over the mountain as it provides the shortest route to a destination point. Discussion ensued. Chairman Bechtel then asked Secretary Ferguson to generate the correspondence to be sent.
- E. Tree Grant:** Linda Stopfel indicated that she had received confirmation via email that the Township had in fact received the Tree Grant. She then noted that the next step would be for the State Forester to meet with George Kotkiewicz to inspect the Sycamore Trees that have been proposed for use in this project.
- F. Investment of Funds from CD that matured on 01/16/2010:** Gary Shultz recommended that the board revisit the possibility of paying off the park loan and earmarking the Comcast Franchise Fees for a capital improvement fund as mentioned last meeting. Linda Stopfel then expressed her concern over not having matching funds available to begin developing the Park in the near future. She also noted the concerns expressed over utilizing taxpayers money to pay off the Park. Chairman Bechtel indicated that the Comcast Franchise Fee funds that have been used to date to pay off the park are taxpayer monies. Moreover, he noted that in the event that matching funds would be required of the Township to develop the Park, the monies put forth would again be coming from the taxpayers. Gary Shultz then reiterated the cost-savings associated with paying off the park in light of the interest rate charged on the Park mortgage relative to what can be earned on invested funds at this point in time. Discussion ensued. Carol Eppley then motioned to pay off the Park out of the funds from the CD that matured on 01/16/10 and Gary Shultz seconded the motion. Linda Stopfel then noted that she wanted it to go on record that the prior Board had taken action to utilize the Comcast Franchise Fees to pay off the Park. Discussion ensued with respect to what was perceived to be the intended use of the Comcast Franchise Fees relative to the actual use of these funds in the past. The vote then carried 4:1 with Linda Stopfel opposing. Gary Shultz then motioned to earmark the remainder of the Comcast Franchise Fees to be collected in 2010 for capital improvements and Ken Hoover seconded the motion. Solicitor Warshawsky then asked for clarification as to how these funds could be spent (i.e. would they be available to pay current expenditures), to which Gary indicated that it was his intent to have them be set aside exclusively for capital improvements. Linda Stopfel then expressed her concern over not being able to utilize this money for any other purpose to which Solicitor Warshawsky responded that it would preserve the status quo with respect to its use in 2010 as the funds had only been made available for a single purpose to date. Linda Stopfel stated that there is greater concern now with earmarking these funds for a single purpose, noting that the Township will no longer have such a large financial cushion in the bank, following the pay off of the Park. Discussion then ensued as to the source of these additional funds, with Chairman Bechtel stating that they exist as a result of prior budgeting for capital improvements from 2003-2008, for which only approximately \$80K of the \$291K budgeted had been spent on capital improvements. Chairman Bechtel then noted that under difficult economic times, the focus and associated funding of the Township would have to be on preserving its infrastructure and not on the development of the Park. Discussion then ensued as to the capital improvement needs of the township both in the near and not so near future. The motion to place the remainder of the Comcast Franchise Fees to be collected in 2010 in a Capital Improvements account and reserved for such purposes in 2010 then carried 5:0. Discussion then ensued with respect to how to invest the remaining monies from the CD fund that matured on 01/16/10 following the pay off of the Park. Carol Eppley then motioned to have Dave Hoover investigate potential investment options and then reinvest these funds in a

CD that provides for the greatest return on investment given a maturation date on or closely before 12/31/10. Linda Stopfel seconded the motion and the motion carried 5:0. Chairman Bechtel then noted that the CD at MidPenn Bank will be maturing April 27th, for which reinvestment consideration will need to be given at the next BOS meeting.

NEW BUSINESS

- A. **Accu-Mold:** Topic discussed during the Solicitor's Report (see above).
- B. **Archaeology at Fort Halifax Park:** Dane Snyder, a registered professional archaeologist and Halifax resident, indicated that it has been one of his life-long aspirations to perform archaeological excavations at Ft. Halifax Park. In light of the purchase of this land by the Township and the proposed development of the Park, Dane offered to perform any necessary excavations that would be required at no charge to the Township. Carol Eppley then noted that it was her understanding that as part of the stipulation of receiving grant monies from DCNR for the purchase of the Park, the Master Site Plan was to be completed before any archaeological excavations were to be done. In addition, she noted that the excavations were to be included as part of the Master Site Plan. Dane then stated that a Master Site Plan was not required. Linda Stopfel stated that DCNR did in fact require a Master Site Plan to be completed and noted that some of the grant monies received were given specifically to go towards the hiring of consultants to carry out the Master Site Plan. In addition, she indicated that nothing could be done to the Park until the Master Site Plan had been reviewed and approved by DCNR. Chairman Bechtel then noted that if no activity is to be undertaken on Park grounds prior to the completion and approval of the Master Site Plan by DCNR, the sycamore tree planting project should be put on hold as well. Linda then indicated that the trees were going to be planted in PennDOT's right-of-way, which would preclude any such concerns. Chairman Bechtel then expressed concern over planting trees in PennDOT's right-of-way stating that permission would need to be granted by PennDOT, and even given such permission, he noted that the trees would not be protected and as a result could be removed at will again by PennDOT if they so desired. Linda then stated that the Township is planting these trees at the direction of the Pennsylvania Historic Museum Commission (PHMC) and the National Historic Register along with the knowledge of PennDOT. Chairman Bechtel then indicated that he would need to have written confirmation from these agencies before he would be willing to plant the sycamore trees in PennDOT's right-of-way to which Linda indicated she would provide. Dane Snyder then suggested that any planting, even in the state's right-of-way, could not be done prior to the necessary archaeological work being done. Justin Kuhn of K&W then indicated that an individual/organization would not just go out and begin digging but would submit a development request to PHMC that would be subject to an initial review process whereby the intended activity for the grounds would be taken into consideration in determining if an excavation of some sort would first be required. In addition, he noted that PHMC would likely want to review the Master Site Plan to determine the activity and the related impact, which would postpone any potential dig until sometime after the completion of the Master Site Plan anyway. Justin then recommended that the Township look into the activities that can be undertaken in PennDOT's right-of-way along the Park, noting that the state might be subject to different provisions than the Township. Linda Stopfel then stated that permission is not required now as it was not required with the initial planting of the sycamore trees in light of the fact that the tree planting was done in response to a mandate from President Harding. Chairman Bechtel then stated that in the report from the National Historic Register, he found no evidence that this was the result of a proclamation from President Harding but instead stemmed from a road beautification project initiated by the state that may or may not have been in honor of WWI veterans. Linda indicated that the report he was referring to was incomplete, noting that she had done additional research that lends support to her stated findings. In addition, she stated that she would make whatever information available to him that he desired. Carol Eppley then indicated that she was not going to sit through all of the opposition to what she believes is a significant asset to the community and left the meeting. Chairman Bechtel then noted that he was not entirely

opposed to the tree planting but rather simply wanted the trees to be planted back far enough so as to not be in the right-of-way and he preferred that the pin oaks not be removed. Gary Shultz then asked the Solicitor and Engineer to provide indication of how the Township should proceed so as to adhere to any regulations. Justin Kuhn indicated with respect to activities to be undertaken prior to the completion of the Master Site Plan (i.e. the sycamore tree planting), he recommended contacting PHMC to see if they would grant permission to proceed. Linda Stopfel then suggested that the state forester would take care of that as part of his standard protocol in approving the tree planting initiative.

- C. Securing of pricing from Alternative Energy Providers:** Gary Shultz indicated the need to set agreeable parameters for locking in a price offered by an alternative energy provider, in light of the pricing variability. Discussion ensued. Linda Stopfel then motioned to authorize Gary Shultz to act on behalf of the Township in securing a favorable price that would result in a cost-savings to the Township with respect to expenditures on electricity. The motion then died due to a lack of a second.
- D. Ethics Policy:** Gary Shultz recommended that the Board give consideration to the development and implementation of an Ethics Policy to which all that work for or serve on behalf of the Township would be required to adhere. Linda Stopfel then inquired of the sufficiency of the state ethics law to which the Supervisors and full-time employees are currently required to adhere. Solicitor Warshawsky indicated that not all that serve the Township (i.e. the Planning Commission members) are subject to the provisions of the state's ethics law. Moreover, he indicated that at a minimum, the provisions of the state's ethics law could be extended to all that serve on behalf of the Township. Otherwise, he noted, more stringent policies could be implemented if so desired. Gary Shultz then recommended that the Board educate itself to bring together an appropriate policy for the Township. Chairman Bechtel asked Secretary Ferguson to contact PSAT's to see if they had an ethics policy that the Township could draw from.
- E. American Tower-Tax Refund:** Solicitor Warshawsky noted that American Tower appealed their tax assessment and have agreed to a 21.4% reduction, for which the tax assessor's office and its council are recommending that all taxing authorities including the school, township and county accept. Solicitor Warshawsky then indicated that the tax consequence to the Township would roughly be a \$60 reduction to the fire and real estate tax collected in the current year and similarly approximately a \$60 refund to American Tower for the prior year as the appeal is retroactive. Gary Shultz then motioned to accept the settlement as outlined above. Ken Hoover seconded the motion and the motion carried 4:0. Solicitor Warshawsky then noted that he would execute the settlement on behalf of the Township as required.
- F. HACC Donation:** Chairman Bechtel noted that the Township had received correspondence from Bob Stout requesting a donation in the amount of \$1000 from each of the municipalities that the Fire Company serves in order to make the needed repairs and updates to their HACC training facility. Chairman Bechtel also noted that the Fire Company itself has agreed to give \$1000 to HACC. Finally, he indicated that the \$1000 donation could be made over a period of 5 years, with \$200 contributions being made annually for the next five years. Linda Stopfel motioned to donate \$1000 to HACC over the next five years, with an annual donation of \$200 beginning in 2010 and ending in 2014. Gary Shultz seconded the motion and the motion carried 4:0.
- G. Floodplain Ordinance:** Discussed during Engineer's Report (see above).

ANNOUNCEMENTS:

Chairman Bechtel then announced the following upcoming meetings:

Comprehensive Plan Meeting (Jefferson Twp)	March 9, 2010 7PM
Planning Commission Meeting	April 5, 2010 7PM
Township BOS Monthly Meeting	April 12, 2010 7PM

ADJOURNMENT: Linda Stopfel motioned to adjourn the meeting at 11:15 PM. Gary Shultz seconded the motion and the vote carried unanimously.

Respectfully submitted,

Shanemarie Ferguson
Township Secretary